

## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA GREENVILLE DIVISION

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§ CIVIL ACTION NO. 6:17-1844-MG	L
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## ORDER ADOPTING THE REPORT AND RECOMMENDATION AND DISMISSING PLAINTIFF'S ACTION WITHOUT PREJUDICE AND WITHOUT ISSUANCE AND SERVICE OF PROCESS

Plaintiff alleges several constitutional violation in his Complaint. He is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Plaintiff's action be dismissed without prejudice and without issuance and service of process. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on August 8, 2017, and the Clerk of Court entered Plaintiff's objections on August 23, 2017 The Court has carefully considered the objections, but holds them to be without merit. Therefore, it will enter judgment accordingly.

Like Plaintiff's complaint, his objections consists of not much more than "fantastic, fanciful, and delusional[]" allegations. Report 6. The Court will thus overrule the objections.

Contained in Plaintiff's objections are several motions for subpoenas. But, Plaintiff fails to demonstrate the propriety of the Court granting the motions. Thus, the Court will deny them.

After a thorough review of the Report and the record in this case pursuant to the standards set forth above, the Court overrules Plaintiff's objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court Plaintiff's action is **DISMISSED WITHOUT**PREJUDICE and without issuance and service of process; and his motions to subpoena are **DENIED**.

## IT IS SO ORDERED.

Signed this 30th day of August, 2017, in Columbia, South Carolina.

s/ Mary Geiger. Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

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## **NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified of the right to appeal this Order within sixty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.